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2006 APR 25 PM 3: 06

CLERK, DISTRICT COURT
WESTERN DISTRICT OF TEXAS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

MICROSOFT CORPORATION, a
Washington Corporation

BY _____
DEPUTY

V.

CASE NO. A-05-CA-371-SS

RYAN PITYLAK, an individual; MARK TROTTER, an individual; LEADPLEX, INC., a Nevada corporation; LEADPLEX, LLC, a Nevada corporation; PAYPERACTION, LLC, a Nevada limited liability company; and JOHN DOES 1-20,

STIPULATED FINAL JUDGMENT AND PERMANENT INJUNCTION

Microsoft Corporation (“Microsoft”) and Ryan Pitylak (“Defendant”) have entered into a binding Settlement Agreement resolving all issues between them. In exchange for the consideration set forth therein, and the parties agreeing to the entry of a Stipulated Final Judgment and Permanent Injunction, the Court Orders the following:

I. Monetary Judgment

It is ORDERED and ADJUDGED that Defendant is liable to Microsoft for damages in the total amount of One Million Dollars (\$1,000,000);

II. Prohibited Practices

It is further ORDERED that Defendant, his officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, are permanently enjoined from directly or indirectly:


- A. Creating, registering, or maintaining any email account, IP address, website or internet domain by providing false or misleading information to any provider of such services or to any domain-name or IP address registering authority, and using such account, address, website or internet domain in connection with the transmission of commercial electronic communications;
- B. Sending or transmitting, or directing, aiding, facilitating, or conspiring with others to send or transmit any commercial e-mail, or commercial electronic communication, bearing false, fraudulent, anonymous, inactive, deceptive, incomplete, or invalid header information, including without limitation the names of fictitious persons in the "from" or "reply to" lines of the header;
- C. Sending or transmitting, or directing, aiding, facilitating, or conspiring with others to send or transmit any commercial e-mail or other commercial electronic communication of any kind, to or through Microsoft or its members in a manner designed to evade Microsoft's anti-spam filtering and blocking processes or to obscure Defendants' connections to the transmission or to the products or services advertised or promoted therein;
- D. Sending or transmitting, or directing, aiding, facilitating, or conspiring with others to send or transmit any commercial e-mail, or commercial electronic communication without providing within the body of the message a legal (not fictional) name of true sender of the e-mail or communication, meaning the legal name of a natural person or the name of the incorporated legal entity who paid for the transmission of the message and whose services or products are promoted within the body of the message, together with such person or entity's legal residence or designated address for accepting service of process;
- E. Sending or transmitting, or directing, aiding, facilitating, or conspiring with others to send or transmit any commercial e-mail, or commercial electronic communication, without providing within the body of the message a "valid physical postal address," meaning either (a) the geographic street address where the sender conducts its actual business operations (e.g., principal place of business); or (b) as to a corporation, the corporation's designated address for accepting service of process;
- F. Sending or transmitting, or directing, aiding, facilitating, or conspiring with others to send or transmit any e-mail, or electronic communication with false or misleading subject lines, including without limitation, subject lines which suggest a prior or pending business transaction where none has transpired in fact;
- G. Sending or transmitting, or directing, aiding, facilitating, or conspiring with others to send or transmit any electronic communication of any kind, to or through Microsoft or its members, in a manner that does not fully comply with all then-publicly available email policies published by Microsoft, including MSN's Terms of Use currently located at <http://privacy.msn.com/tou/>, and Microsoft's Anti-Spam Policy, currently located at <http://privacy.msn.com/anti-spam/>;

- H. Using, or directing, aiding, facilitating or conspiring with others to use Microsoft's computers or computer networks in any manner, directly or indirectly, in connection with the transmission of any unlawful electronic communication across the Internet;
- I. Opening, creating, obtaining access to, and/or using in any way, or directing, aiding, facilitating, or conspiring with others to open, create, obtain access to, and/or use in any way, any Microsoft membership or account by providing any false or misleading information; and
- J. Acquiring, compiling or transferring for commercial purposes Microsoft e-mail addresses or e-mail addresses that contain "hotmail", "msn" or "Microsoft" in the domain or any other domain name registered to Microsoft without an existing and provable relationship with the MSN Hotmail member.

III. Retention of Jurisdiction

It is further ORDERED that this Court shall retain jurisdiction of this case in law and equity for purposes of enforcing and/or adjudicating claims of violations of this Stipulated Final Judgment and Permanent Injunction or of disputes arising in connection with the Settlement Agreement between Microsoft and Defendant. Any such matters shall be raised by noticed motion.

Signed this 25th day of April, 2006.


The Honorable Sam Sparks
United States District Judge

IT IS SO STIPULATED.

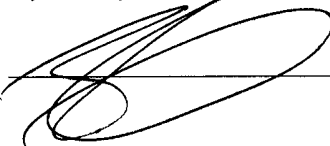
DATED: March _____, 2006

Microsoft Corporation, a Washington Corporation

DATED: ^{April} ~~March~~ 6th, 2006

By: _____

Ryan Pitylak, an individual



APPROVED AS TO FORM:

DATED: ^{April} ~~March~~ 19, 2006

By: _____

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ATTORNEYS FOR RYAN PITYLAK

DATED: March 31, 2006

IT IS SO STIPULATED.

DATED: April 13, 2006

Microsoft Corporation, a Washington Corporation


By: Aaron E. Korshak, its Attorney

DATED: April _____, 2006

Ryan Pitylak, an individual

APPROVED AS TO FORM:

DATED: April _ ___, 2006

By: _____

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**ATTORNEYS FOR PLAINTIFF
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DATED: March _____, 2006

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